

Appl. No. 09/719,867  
Amdt. Dated October 22, 2004  
Reply to Office Action of August 27, 2004

### REMARKS

Claims 1,2, 4-6, 8-14, 16-24 and 36 are currently pending in the present case.

In the office action mailed August 27, 2004, the Examiner notes that an incorrect status identifier was used to identify the claims in the claims listing. Applicants thank the Examiner for pointing out this error. Applicants believe that the new listing of claims has corrected for this mistake.

In the office action mailed August 27, 2004, the Examiner has maintained objection to the sequence listing because "this application fails to comply with the requirements of 37 CFR 1.821 through 1.825. . . . Particularly, it is noted that several sequences depicted on pages 9, 11 and 17 are not included in the Sequence listing."

As discussed with the Examiner in a telephone interview of October 21, 2004, Applicants believe that the present sequence listing complies with the requirements and is appropriate for this application. SEQ ID NO: 1 shown on page 9, SEQ ID NO: 2 shown on page 11, and SEQ ID NO: 3 shown on page 17 are the wild type sequence. The variations at certain residues that are shown are the accumulated mutations found by the processes of the invention as described in the specification. As discussed with the Examiner, each line below SEQ ID NO: 1, SEQ ID NO: 2, and SEQ ID NO: 3 does not represent an actual sequence but is rather a shorthand way of depicting where mutations associated with antibacterial resistance occur.

The sequence listing rules allow for description of such variations by providing the feature choice "variant". Applicants have used the feature option to allow full description of SEQ ID Nos: 1, 2 and 3. The first part of the sequence listing of each of these sequences indicates what variants occur at which amino acid residue. Because the sequence listing includes these variants, Applicants believe that the present sequence listing complies with the requirements of 37 CFR 1.821 through 1.825.

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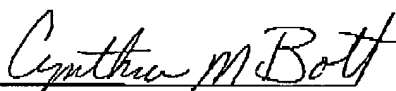
Because a CRF and paper copy of the corrected sequence listing was submitted with Applicants' previous response, a further copy is not provided at this time. For the reasons set forth above Applicants believe that the previously submitted sequence listing complies with the sequence listing requirements. In addition, in the previous response the specification at page 9, table 1, page 11 and page 17 were amended to include an "appropriate sequence identifier" as required by 37 CFR§1.821(d). Given the discussion regarding SEQ ID NOs: 1, 2 and 3, Applicants believe that no more sequence identifiers are needed.

### CONCLUSION

For the reasons given above, Applicants believe that the application is in full compliance with current amendment format regulations of 37 CFR § and with the sequence listing regulations of 37 CFR §§1.821 through 1.825 and is in condition for allowance. In light of the amendments and remarks made herein, Applicants respectfully request withdrawal of all objections and allowance of all the pending claims.

Respectfully submitted,

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